

DRUGS , DEATH MAY FORCE BLIND JUSTICE TO PICK A SIDE SOME FEAR ONE TRIAL MIGHT BE SACRIFICED TO PROSECUTE ANOTHER

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Cocaine and murder, no strangers, could be on a collision course as federal authorities pursue a major narcotics ring while local officials try to prosecute the killing of one of its reputed leaders.

The man in the middle is dead. Harry Kalasho, 24, was gunned down Feb. 3 in Detroit. At the time, state and local authorities said he was bringing more than 200 pounds of cocaine a week into the Detroit area.

Two men who local prosecutors say were the only eyewitnesses to the killing were jailed without bond last week on federal **drug** charges. That could stop them from testifying about the killing, for fear they will incriminate themselves about **drugs** .

Meanwhile, the murder suspect, Raed Jihad, has met with federal narcotics investigators and in at least one court appearance was guarded by agents of the U.S. **Drug** Enforcement Administration.

What **may** be developing is a legal and moral balancing act on the question of whether the federal **drug** case is worth scuttling a murder charge.

"To me, in the moral balance, a murder -- no matter who the victim is or what he's reputed to have done -- has to have precedence," said James Howarth, attorney for the Kalasho family.

But he said the DEA **may** have "decided that Harry's **death** is just one of those things that'll go by the boards."

The homicide case could hinge on the outcome of a hearing to be scheduled in Recorder's Court to determine whether the two witnesses, Najah Konja and Issam Hermiz intend to testify.

Wayne County Prosecutor John O'Hair minimizes the potential conflict. He said there is "no rivalry or conflict" between his office and federal authorities. "I am assuming that both prosecutions can go forward," he said.

Yet other local officials are less sure.

"The feds have treated Jihad like some sort of ally," said one ranking local official who declined to be identified.

William Coonce, agent-in-charge of the Detroit DEA office, said the **drug** probe "was initiated well in advance" of Kalasho's killing. He refused to confirm or deny that any federal arrangement exists with Jihad and said in situations like that of Hermiz or Konja, for a person to be a witness in a homicide case "does not immunize him of crimes he has already committed or will commit."

Konja and Hermiz, both 26, were with Kalasho when he was hit by four bullets as he got into his car on Greendale Avenue near John R Street in Detroit. At a preliminary examination, they identified Jihad, 19, as the gunman.

Jihad's attorneys have said in court that he has met with the FBI since the Kalasho shooting.

Federal agents also privately contacted at least one local judge involved in the case about setting a bond for Jihad, said Kenneth Simon, an assistant Wayne County prosecutor who was prompted to seek another judge's assurance that he'd had no such contacts.

Jihad was originally freed under a \$5,000 cash bond, but later jailed without bond on the murder charge.

In arresting Konja and Hermiz, federal authorities charged that they were key associates of Kalasho in the cocaine business.

When they testified about the shooting, both men denied they were anything but friends of Kalasho.

Under questioning, Hermiz, a bodybuilder known as Sam the Bull, said he was not Kalasho's bodyguard and Konja, who uses the name Nick, denied he was a lieutenant in Kalasho's reputed cocaine operation.

In preliminary hearings, attempts by Jihad's defense lawyers to develop the **drug** angle as a motive for Konja and Hermiz to lie about Jihad were thwarted.

The issue is Kalasho's **death** "and who caused it," ruled Detroit 36th District Judge R. Patrick Donahue, in curtailing the **drug** questions and ordering Jihad to stand trial for murder.

Outside court, one of Jihad's attorneys, David Griem, said it was "utterly preposterous" to believe the **drug** charges against Konja and Hermiz were cooked up or timed to help Jihad evade the murder charge.

"Two major **drug** dealers got popped -- that's what happened," he said of the federal arrests.

Another of Jihad's lawyers, Mark Kriger, also argued that Hermiz and Konja, believing Jihad was an informant in the cocaine ring, could be trying to pin Kalasho's homicide on him for that reason.

Lawyers for Hermiz and Konja refuse to discuss their clients' situation.

Jihad's father, Adnan, insisted his son "is a good boy from a good family."

"We're not gangsters."

CUTLINE

Najah Konja

Issam Hermiz

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